

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MELISSA WALKER,

Plaintiff,

vs.

DOLLAR TREE STORES, INC.,

Defendant.

Case No. 15-11291

Hon.

Removed from Wayne County Circuit  
Court Case No. 15-003338-NO

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ALAN G. BLATNIKOFF (P45023)  
Mindell Malin Krutinsky Stone & Blatnikoff  
Attorney for Plaintiff  
25505 West Twelve Mile Road, Se. 1000  
Southfield, MI 48034  
(248) 353-5595  
[ablatnikoff@mindellfirm.com](mailto:ablatnikoff@mindellfirm.com)

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PATRICK D. RYAN (P25613)  
Plunkett Cooney  
Attorneys for Defendant  
10 S. Main Street, Ste. 400  
Mt. Clemens, MI 48043  
(586) 466-7602  
[pryan@plunkettcooney.com](mailto:pryan@plunkettcooney.com)

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**NOTICE OF FILING OF REMOVAL**

To: All Counsel of Record  
(Via Efiling & U.S. Mail)

Clerk of the Court  
Wayne County Circuit Court  
(Via Efiling)

**PLEASE TAKE NOTICE** that Defendant, Dollar Tree Stores, Inc., by and through its attorneys, Plunkett Cooney, has this day filed their Notice of Removal, copies of which are attached hereto, in the offices of the Clerk of the United States District Court, Eastern District of Michigan, Southern Division, 564 Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

PLUNKETT COONEY

BY: S/Patrick D. Ryan \_\_\_\_\_  
PATRICK D. RYAN (P25613)  
Attorney for Defendant  
10 S. Main, Suite 400  
Mt. Clemens, MI 48043  
Email: pryan@plunkettcooney.com  
(586) 466-7602

Dated: April 6, 2015

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MELISSA WALKER,

Plaintiff,

vs.

DOLLAR TREE STORES, INC.,

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Attorneys for Defendant  
10 S. Main Street, Ste. 400  
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[pryan@plunkettcooney.com](mailto:pryan@plunkettcooney.com)

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**NOTICE OF REMOVAL TO THE UNITED  
STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
MICHIGAN SOUTHERN DIVISION**

TO: United States District Court Judges of the District Court

NOW COME the Defendant, Dollar Tree Stores, Inc., by and through its attorneys, Plunkett Cooney, and pursuant to 28 USC § 1332(a), 1441 and 1446 files this Notice of Removal pursuant to those statutes for the following reasons:

1. On or about March 17, 2015, there was commenced and is now pending in the Wayne County Circuit Court a certain civil action bearing docket

no. 15-003338-NO in which Melissa Walker is the Plaintiff and Dollar Tree Stores, Inc. is the Defendant.

2. Defendant first received notice of this action on March 19, 2015 when the Summons and Complaint were served upon its Registered Agent, Corporate Creations. This Notice of Removal is being filed within thirty (30) days of the date Defendant first received notice of this action pursuant to 28 USC § 1446(b).

3. Upon information and belief Plaintiff is a resident of Livonia, which is located in Wayne County, State of Michigan.

4. Defendant is a Virginia Corporation, which its headquarters in City of Chesapeake, State of Virginia.

5. That to the best of Defendant's information and belief, the amount in controversy is in excess of \$75,000.00.

6. The action filed by the Plaintiff is one which District Courts of the United States would have original jurisdiction under 28 USC. § 1332(a) and is one that may be removed to this Court by Defendant pursuant to 28 USC 1441 on the basis of federal diversity jurisdiction, as complete diversity exists between the parties.

7. Attached hereto as Exhibit A and made a part hereof is a copy of the Complaint setting forth a claim for relief upon which the action is based by

the Plaintiff against the above-named Defendant, and the time for filing of this removal under the statutes of the United States of America has not expired and is timely made.

8. The written notice of the filing of this notice of removal has been given to all parties as required by law, and a proof of service is attached hereto.

7. A copy of this notice of removal has been filed with the Clerk of the Court for the Wayne County Circuit Court, State of Michigan, as provided by law.

WHEREFORE, Defendant, Dollar Tree, Inc. , by and through its attorneys, Plunkett Cooney, request that they be allowed to effect removal of the within action from the Wayne County Circuit Court to the United States District Court for the Eastern District of Michigan.

PLUNKETT COONEY

BY: S/Patrick D. Ryan  
PATRICK D. RYAN (P25613)  
Attorney for Defendant  
10 S. Main, Suite 400  
Mt. Clemens, MI 48043  
Email: pryan@plunkettcooney.com  
(586) 466-7602

Dated: April 7, 2015

**PROOF OF SERVICE**

Patrick. D. Ryan states that on April 7, 2015 he did cause to be served a copy of foregoing pleadings upon all counsel of record at their respective business addresses, by efilng and by placing said documents in an envelope properly addressed to said parties and depositing same in the U.S. Mail with postage fully prepaid. I declare under penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

PLUNKETT COONEY

BY: S/Patrick D. Ryan  
PATRICK D. RYAN (P25613)  
Attorney for Defendant  
10 S. Main, Suite 400  
Mt. Clemens, MI 48043  
Email: pryan@plunkettcooney.com  
(586) 466-7602

Dated: April 7, 2015

Open.00560.40913.14003042-1

# EXHIBIT

# A

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	SUMMONS AND RETURN OF SERVICE	CASE NO. 15-003338-NO
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2 Woodward Ave., Detroit MI 48226

Court Telephone No. 313-224-2474

THIS CASE IS ASSIGNED TO JUDGE Patricia Perez Fresard Bar Number: 39787

Plaintiff Walker, Melisa	v	Defendant Dollar Tree Stores, Inc.
Plaintiff's Attorney Alan G. Blatnikoff, P-45023 25505 W 12 Mile Rd Ste 1000 Southfield, MI 48034-1811		Defendant's Attorney

CASE FILING FEE	JURY FEE
<input checked="" type="checkbox"/> Case Filing Fee - \$150.00	<input checked="" type="checkbox"/> Jury Fee - \$85.00

ISSUED 3/17/2015	THIS SUMMONS EXPIRES 6/16/2015	DEPUTY COUNTY CLERK File & Serve Tyler
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\* This summons is invalid unless served on or before its expiration date

CATHY M. GARRETT - WAYNE COUNTY CLERK

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
  2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or take other lawful action (28 days if you were served by mail or you were served outside this state).
  3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
- X There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.
- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

The docket number and assigned judge of the civil/domestic relations action are:

Docket No.	Judge	Bar No.
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The action ☐ remains ☐ is no longer pending

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

3-17-15

/s/ Alan G. Blatnikoff

Date

Signature of attorney/plaintiff

COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements

MC 01-3CC (09/2008) SUMMONS AND RETURN OF SERVICE

MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a),(b), MCR 3.206(A)





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STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	RETURN OF SERVICE	CASE NO. 15-003338-NO
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TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**

<input type="checkbox"/> <b>OFFICER CERTIFICATE</b>	<b>OR</b>	<input checked="" type="checkbox"/> <b>AFFIDAVIT OF PROCESS SERVER</b>
I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)		Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization not required)

☐ I served personally a copy of the summons and complaint.

☒ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with \_\_\_\_\_

List all documents served with the Summons and Complaint

on the defendant(s):

Defendant's name Dollar Tree Stores, Inc.	Complete address(es) of service c/o Corporate Creations Network, Inc. 8175 Creekside Drive, Suite 200, Portage, MI 49024	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge and belief.

Service fee \$	Miles traveled \$	Mileage fee \$	Total fee \$
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/s/ Ann Marion

Signature  
ANN MARION

Name (type or print)

Title

Subscribed and sworn to before me on 1-17-15 at Oakland County, Michigan.

KAREN L. PALLONE  
Notary Public, State of Michigan  
My commission expires 5-29-2019  
Notary public, State of Michigan

Signature: /s/ Karen L. Pallone

Notary Public

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_

Attachments

on \_\_\_\_\_

Day, date, time

on behalf of \_\_\_\_\_

Signature

MC 01-JCC (09/2008) SUMMONS AND RETURN OF SERVICE

MCR 2.102(B)(1), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a),(b), MCR 3.206(A)

jp

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MELISSA WALKER

CASE NO: 15- NO  
HON:

Plaintiff,

-vs-

DOLLAR TREE STORES, INC.

Defendant,

15-003338-NO

FILED IN MY OFFICE  
WAYNE COUNTY CLERK  
3/17/2015 9:00:45 AM  
CATHY M. GARRETT

ALAN G. BLATNIKOFF (P-45023)  
MINDELL MALIN KUTINSKY  
STONE & BLATNIKOFF  
Attorney for Plaintiff  
25505 West Twelve Mile Road, Suite 1000  
Southfield, Michigan 48034  
248) 353-5595  
ablarnikoff@mindellfirm.com

COMPLAINT AND DEMAND FOR JURY TRIAL

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint, nor has any such action been previously filed, dismissed, or transferred after being assigned to a Judge.

NOW COME(S) the Plaintiff, MELISSA WALKER by and through her attorneys, MINDELL, MALIN, KUTINSKY STONE and BLATNIKOFF and for her complaint against Defendant, states as follows:

1. That the Plaintiff, MELISSA WALKER, is a resident of the City of Livonia, County of Wayne, State of Michigan.
2. That the Defendant, DOLLAR TREE STORES, INC. is a Domestic Profit Corporation, was at all times relevant hereto, a registered corporation in good standing conducting business in the City of Livonia, County of Wayne, State of Michigan.

MINDELL, MALIN, KUTINSKY,  
STONE & BLATNIKOFF  
Attorneys & Counselors  
25505 West Twelve Mile Road, Suite 1000  
Southfield, MI 48034-1611  
248 333-5595

3. That the Defendant in this matter owned, controlled or possessed the business at 31280 Five Mile Road, in the City of Livonia, County of Wayne State of Michigan, where they operated a retail business.

4. That the amount in controversy exceeds Twenty-Five Thousand (\$25,000.00) Dollars exclusive of interest, costs and attorney fees.

5. That on February 14, 2014 the Plaintiff, MELISSA WALKER, was a business invitee on the Defendant's premises at 31280 Five Mile Road, in the City of Livonia, County of Wayne, State of Michigan.

6. That on February 14, 2014, Plaintiff, MELISSA WALKER, was inside Defendant's premises when she slipped and fell on water and/or ice that had been allowed to accumulate on the floor.

7. The water and/or ice that caused Plaintiff' MELISSA WALKER's, fall was not visible and blended into the floor; therefore, the water and/or ice was not open and obvious.

9. Alternatively, the water and/or ice that caused Plaintiff's, MELISSA WALKER's, fall was effectively unavoidable.

10. That there was no notice given to Plaintiff, MELISSA WALKER, either through signs or expressed verbal statements of the hazardous condition in Defendant's premises.

11. That Plaintiff fell to the ground below with such force as to sustain severe and ongoing injuries.

12. That Defendant, by their agents and employees, was then and there guilty of one or more of the following acts and omissions, in violation of its duties to Plaintiff, to wit:

- (a) Defendant failed to properly maintain the subject premises in a reasonable and safe condition;
- (b) Duty to maintain premises in reasonably condition where Plaintiff could walk
- (c) Defendant failed to give adequate notice or warning to Plaintiff and other persons lawfully on the premises of the dangerous

conditions known to Defendant or that should have been known to Defendant;

- (d) Defendant failed to take appropriate measures to clear, and/or remove the water and/or ice on its premises on the above date, in a manner that would allow their business invitees to traverse the premises in a reasonably safe manner;
- (e) Failure to have an adequate staff to routinely investigate the condition of the premise so that dangerous conditions such as the condition that caused Plaintiff's injury would have been discovered and removed, or appropriate warnings provided.
- (f) Other acts of negligence.

DAMAGES OF PLAINTIFF

13. That the Plaintiff sustained injuries to her neck, back, head, and to the muscles, cords, discs, and ligaments in said areas, and to the legs and arms, and injuries generally throughout the entire body, and sustained injuries and aggravations to pre-existing conditions whether known or unknown at the time.

14. That as a result of the injuries sustained by the Plaintiff, she has suffered and will continue to suffer the following:

- a. Pain and suffering, past, present and future;
- b. Mental anguish;
- c. Embarrassment and shock;
- d. Loss of normal, social and recreational activities;
- e. Permanent injury and incapacity of disability;
- f. Loss of wage earning capacity and future wages;
- g. Aggravation of pre-existing conditions, whether known or unknown.

15. Plaintiff, MELISSA WALKER, sustained permanent and incurable injuries and these injuries will remain with the Plaintiff for rest of her life.

16. That as a result of the said injuries, Plaintiff, MELISSA WALKER, has suffered medical expense and will continue to incur medical expense into the future as a result of Defendant's negligence.

THEREFORE, Plaintiff, MELISSA WALKER, asks this Honorable Court to enter Judgment against Defendant exceeding \$25,000, including, costs, interest, and attorney fees

RESPECTFULLY SUBMITTED.

MINDELL MALIN KUTINSKY  
STONE & BLATNIKOFF

/s/ Alan G. Blatnikoff

By: ALAN G. BLATNIKOFF (P-45023)  
Attorney for Plaintiff  
25505 West Twelve Mile Road  
Suite 1000  
Southfield, Michigan 48034  
248) 353 5595

Dated: March 12, 2015

MINDELL MALIN KUTINSKY,  
STONE & BLATNIKOFF  
Attorneys & Counselors  
25505 West Twelve Mile Road, Suite 1000  
Southfield, MI 48034-1000  
(248) 353-5595

**JURY DEMAND**

NOW COME(S) the Plaintiff, MELISSA WALKER, through her attorneys, MINDELL, MALIN, KUTINSKY, STONE and BLATNIKOFF, demand a jury trial on the issues alleged in this Complaint.

RESPECTFULLY SUBMITTED.

MINDELL MALIN KUTINSKY  
STONE & BLATNIKOFF

/s/ Alan G. Blatnikoff

By: \_\_\_\_\_

ALAN G. BLATNIKOFF (P-45023)  
Attorney for Plaintiff  
25505 West Twelve Mile Road  
Suite 1000  
Southfield, Michigan 48034  
248) 353 5595

Dated: March 12, 2015

MINDELL, MALIN, KUTINSKY,  
STONE & BLATNIKOFF  
Attorneys & Counselors  
25505 WEST TWELVE MILE RD SUITE 1000  
SOUTHFIELD, MI 48034-1911  
(248) 353-5595